

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 28-930535 CSET

**CONTROLLED SUBSTANCE EXCISE TAX
FOR TAX PERIODS: 1993**

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ISSUE

1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION

Authority: IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

STATEMENT OF FACTS

Taxpayers were arrested for possession of marijuana. The Indiana Department of Revenue issued a record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on June 22, 1993 in a base tax amount of \$2,908.00. Taxpayers filed a protest to the assessment. A hearing on the protest was scheduled for March 9, 2000. Taxpayers were notified of the hearing at their last known address. Taxpayers did not appear for the hearing. Further facts will be provided as necessary.

Controlled Substance Excise Tax-Imposition

Discussion

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Taxpayers bear the burden of proving that the assessment of tax is incorrect. IC 6-8.1-5-1(b). The police report and laboratory report indicate that Taxpayers were in possession of marijuana. Since Taxpayers did not appear at the hearing or offer any evidence to contradict the facts of the file, Taxpayers did not sustain their burden of proving that the assessment was incorrect.

Finding

Taxpayers' protest is denied.